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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/847,951	05/02/2001	Masaharu Hirooka	Y-181	6158
802	7590	05/12/2005	EXAMINER	
DELLETT AND WALTERS P. O. BOX 2786 PORTLAND, OR 97208-2786			CHEUNG, MARY DA ZHI WANG	
			ART UNIT	PAPER NUMBER
			3621	

DATE MAILED: 05/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/847,951	Applicant(s) HIROOKA, MASA HARU	
	Examiner Mary Cheung	Art Unit 3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,6-12 and 14-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,6-12 and 14-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Status of the Claims

1. This action is in response to the amendment filed on June 13, 2004. Claims 1-4, 6-12 and 14-16 are pending. Claims 1, 9-12 and 14-16 are amended. Claims 5 and 13 are canceled.

Response to Arguments

2. Applicant's arguments with respect to claims 1-4, 6-12 and 14-16 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4, 6-7, 9-12 and 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barnard, U. S. Patent 6,456,938 in view of Germain, U. S. Patent 5,319,548, and in further view of Rudow et al., U. S. Patent 6,236,940.

As to claim 1, Barnard teaches a method of business in which GPS golf-course map data is collected and distributed, comprising (abstract):

a) a step of registering GPS map data on a plurality of golf courses in a database connected to a network (column 17 lines 31-36 and column 36 lines 33-42),

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b) a step of accessing said database through said network, retrieving said GPS map data on a desired golf course among said plurality of golf courses, from said database, downloading and thereby offering said retrieved GPS map data to a user terminal device (column 17 lines 36-56 and column 36 lines 44-55);

c) said GPS map data stored in said database includes timer information or counter information, and said user terminal device has a timer function or a counter function that works with said timer information or said counter information (column 17 lines 62 – column 18 line 2 and column 21 lines 18-22).

Barnard does not specifically teach a step of preparing data for use in charging a user for use of said offered GPS map data. However, Germain teaches charging a user for use of golf information data (column 6 lines 62-64). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow Barnard's teaching to include the feature of charging a user for use of the GPS map data so that the GPS map data provider can be compensated for providing the data.

Barnard modified by Germain does not specifically teach said timer information making said GPS map data unusable after a predetermined length of time. However, this matter is taught by Rudow as after a predetermined length of time, no more GPS interactive data are available in the user terminal (column 25 lines 11-17 and column 26 lines 19-24). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the timer information in the teaching of Barnard modified by Germain to include the feature of no GPS interactive data available to the user after

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a predetermined length of time for preventing the system from monopolizing a particular channel as enunciated by Rudow (column 26 lines 19-24)

As to claim 2, Barnard teaches said GPS map data on said plurality of golf courses is uploaded to said database through said network (column 17 lines 31-36 and column 36 lines 33-42).

As to claim 3, Barnard teaches said network is internet or telephone lines (column 16 line 66 – column 17 line 3 and column 17 lines 31-56).

As to claim 4, Barnard teaches said user terminal device has a GPS function and a display device adapted to display said GPS map data and a current position of said user (column 6 lines 63-67 and column 16 line 51 – column 17 line 56 and Fig. 1).

As to claim 6, Barnard teaches said GPS map data stored in said database includes optional information (column 7 lines 59-60 and column 22 lines 24-28).

As to claim 7, Barnard teaches said optional information includes advisory information regarding an optimal approach to playing a hole of golf (column 29 lines 10-35).

As to claims 9-12 and 14-15, Barnard teaches said GPS map data is prepared by correcting map data obtained from satellite pictures by using data obtained from actual measurements of configurations of individual holes of a golf course, including a distance to a cup, configuration of a green, position and configuration of a bunker (column 13 line 2 – column 14 line 18 and Fig. 3).

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5. Claims 8 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barnard, U. S. Patent 6,456,938 in view of Germain, U. S. Patent 5,319,548 and Rudow et al., U. S. Patent 6,236,940, and in further view of Rex, U. S. Patent 6,308,160.

As to claim 8, Barnard modified by Germain and Rudow teaches providing GPS map data to a user and charging the user the usages of the GPS map data as discussed above. Barnard modified by Germain and Rudow does not specifically teach attributes or golf-play records of said user or information on discounts to be provided to said user is registered in said database, and said optional information is selectively offered to said user terminal device based on said attributes or golf-play records of said user. However, this matter is taught by Rex as users are selectively offered discounts on the services that are provided (column 8 line 64 – column 9 line 7). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the user in the teaching of Barnard modified by Germain and Rudow to include the feature of selectively offering users with discounts because this would promote certain users to more frequently use the GPS map data.

As to claim 16, Barnard teaches said GPS map data is prepared by correcting map data obtained from satellite pictures by using data obtained from actual measurements of configurations of individual holes of a golf course, including a distance to a cup, configuration of a green, position and configuration of a bunker (column 13 line 2 – column 14 line 18 and Fig. 3).

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Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Fisher (U. S. Patent 5,507,485) discloses golf computer and golf replay device.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Inquire

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Cheung whose telephone number is 571-272-6705. The examiner can normally be reached on M-Th (10:00-7:30) Second Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mary Cheung
Patent Examiner
Art Unit 3621
May 2, 2005

